

[illegible]



## SENATE STANDING COMMITTEE REPORT

February 16, 2007

Page 1 of 1

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **Senate Bill 444** (first reading copy -- white) **do pass**.

Signed: \_\_\_\_\_

*Vicki Cocchiarella*  
Senator Vicki Cocchiarella, Chair

- END -

Committee Vote:

Yes 10, No 1

Fiscal Note Required \_\_\_\_\_ *KF*

351130SC.spb



## SENATE STANDING COMMITTEE REPORT

February 16, 2007

Page 1 of 1

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **Senate Bill 412** (first reading copy -- white) **do pass**.

Signed: \_\_\_\_\_

*Vicki Cocchiarella*

*Senator Vicki Cocchiarella, Chair*

- END -

Committee Vote:

Yes 11, No 0

Fiscal Note Required     *K*    

351129SC.spb



## SENATE STANDING COMMITTEE REPORT

February 16, 2007

Page 1 of 1

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **Senate Bill 440** (first reading copy -- white) **do pass as amended.**

Signed: \_\_\_\_\_

*Vicki Cocchiarella*  
Senator Vicki Cocchiarella, Chair

**And, that such amendments read:**

1. Title, line 5 through line 6.

**Strike:** "AND IN" on line 5 through "BOARD" on line 6

**Strike:** "SECTIONS" on line 6

**Insert:** "SECTION"

**Strike:** "AND 53-2-1204"

2. Page 2, line 16 through line 24.

**Strike:** section 2 in its entirety

**Renumber:** subsequent sections

- END -

**Committee Vote:**

**Yes 11, No 0**

Fiscal Note Required   *KF*  

351500SC.ssc



## SENATE STANDING COMMITTEE REPORT

February 16, 2007

Page 1 of 1

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **Senate Bill 369** (first reading copy -- white) **do pass**.

Signed: \_\_\_\_\_

A handwritten signature in cursive script, appearing to read "Vicki Cocchiarella".

*Senator Vicki Cocchiarella, Chair*

- END -

**Committee Vote:**

**Yes 9, No 2**

Fiscal Note Required \_\_\_\_\_

Handwritten initials "KF" in a stylized, cursive font.

351132SC.spb



## SENATE STANDING COMMITTEE REPORT

February 16, 2007

Page 1 of 10

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **Senate Bill 321** (first reading copy -- white) **do pass as amended.**

Signed: \_\_\_\_\_

*V. Cocchiarella*  
Senator Vicki Cocchiarella, Chair

**And, that such amendments read:**

1. Page 1, line 9.

**Strike:** "61"

**Insert:** "56"

2. Page 1, line 12.

**Strike:** "61"

**Insert:** "56"

3. Page 1, line 26.

**Strike:** "61"

**Insert:** "56"

4. Page 2, line 14.

**Strike:** "commerce"

**Insert:** "administration"

**Strike:** "2-15-1801"

**Insert:** "2-15-1001"

5. Page 2, line 20.

**Strike:** "61"

**Insert:** "56"

6. Page 2, line 21.

**Strike:** "61"

**Insert:** "56"

7. Page 3, line 2.

**Committee Vote:**

**Yes 11, No 0**

**Fiscal Note Required** \_\_\_\_\_

*K7*

351354SC.ssc

**Strike:** "61"  
**Insert:** "56"

8. Page 3, line 17.  
**Strike:** "61"  
**Insert:** "56"

9. Page 3, line 30.  
**Strike:** "61"  
**Insert:** "56"

10. Page 4, line 2.  
**Strike:** "61"  
**Insert:** "56"

11. Page 4, line 3.  
**Strike:** "61"  
**Insert:** "56"

12. Page 4, line 5.  
**Strike:** "61"  
**Insert:** "56"

13. Page 4, line 7.  
**Strike:** "61"  
**Insert:** "56"

14. Page 4, line 8.  
**Strike:** "61"  
**Insert:** "56"

15. Page 5, line 15.  
**Strike:** "61"  
**Insert:** "56"

16. Page 5, line 17.  
**Strike:** "a crime"  
**Insert:** "any felony or a misdemeanor"

17. Page 5, line 30.  
**Strike:** "53"  
**Insert:** "50"

18. Page 6, line 16.  
**Strike:** "61"  
**Insert:** "56"

19. Page 7, line 19.  
**Strike:** subsection (2) in its entirety

**Renumber:** subsequent subsections

20. Page 7, line 28.

**Strike:** "61"

**Insert:** "56"

21. Page 7, line 29.

**Strike:** "61"

**Insert:** "56"

22. Page 10, line 13.

**Strike:** "61"

**Insert:** "56"

23. Page 10, line 15.

**Strike:** "61"

**Insert:** "56"

24. Page 12, line 14.

**Strike:** "61"

**Insert:** "56"

25. Page 13, line 14.

**Strike:** "61"

**Insert:** "56"

26. Page 13, line 20 through page 14, line 1.

**Strike:** section 30 in its entirety

**Insert:** "NEW SECTION. Section 30. Investigations -- powers -- failure to comply or testify. (1) The department may investigate any matter, upon complaint or otherwise, if it appears that a person has engaged or offered to engage in any act or practice that is in violation of any provision of [sections 1 through 56] or any rule adopted or order issued by the department pursuant to [sections 1 through 56].

(2) The department may issues subpoenas to compel the attendance of any witnesses and the production of books, accounts, records, documents, and other evidence in any matter over which the department has jurisdiction, control, or supervision under [sections 1 through 56]. The department may administer an oath or affirmation to any person whose testimony is required.

(3) If a person refuses to obey a subpoena or to give testimony or produce evidence as required by the subpoena, a judge of the district court of Lewis and Clark County or the county in which the licensee's premises are located may, upon application and proof of the refusal, issue a subpoena or subpoena duces tecum for the witness to appear before the department to give testimony and produce evidence as may be



required. The clerk of court shall issue the subpoena requiring the person to whom it is directed to appear at the time and place designated in the subpoena.

(4) If a person served with a court-ordered subpoena refuses to obey the subpoena or to give testimony or produce evidence as required by the subpoena, the department may proceed under the contempt provisions of Title 3, chapter 1, part 5.

(5) Failure to comply with the requirements of a court-ordered subpoena is punishable under 45-7-309."

**Renumber:** subsequent sections

27. Page 14, line 3.

**Following:** "Fees"

**Insert:** "-- special revenue account"

28. Page 14, line 5.

**Strike:** "\$2,500"

**Insert:** "\$5,000"

29. Page 14, line 11.

**Following:** "establish"

**Insert:** "by rule"

30. Page 14.

**Following:** line 17

**Insert:** "(4) Fees collected under this section must be deposited in the special revenue account established in subsection (5).

(5) There is a special revenue account to the credit of the department for use in administering [sections 1 through 56]."

31. Page 15, line 9.

**Strike:** "61"

**Insert:** "56"

32. Page 15, line 13.

**Strike:** "61"

**Insert:** "56"

33. Page 15, line 20.

**Strike:** "61"

**Insert:** "56"

34. Page 15, line 30.

**Strike:** "61"

**Insert:** "56"

35. Page 17, line 28.

**Strike:** "61"

**Insert:** "56"

36. Page 18, line 2 through line 7.

**Strike:** section 41 in its entirety

**Insert:** "NEW SECTION. Section 41. Injunction -- appointment of receiver. (1) If in the opinion of the department a person is using, has used, or is about to use any method, act, or practice that violates any provision of [sections 1 through 56] or any rule adopted or order issued by the department pursuant to [sections 1 through 56], the department, upon determining that proceeding would be in the public interest, may bring an action in the name of the state to restrain by temporary or permanent injunction or temporary restraining order the use of the unlawful method, act, or practice.

(2) The notice for an action pursuant to subsection (1) must state generally the relief sought and must be served at least 20 days before the hearing of the action in which the relief sought is a temporary or permanent injunction. The notice for a temporary restraining order is governed by 27-19-315.

(3) An action under this section may be brought in the district court of Lewis and Clark County.

(4) (a) A district court may issue a temporary or a permanent injunction or a temporary restraining order to restrain and prevent violations of [sections 1 through 56], and an injunction must be issued without bond to the department.

(b) If the department is successful in obtaining an injunction or a restraining order under this section, the department is entitled to reasonable attorney fees and costs.

(5) (a) In addition to all other means provided by law for the enforcement of a restraining order or an injunction, the district court of Lewis and Clark County may impound and appoint a receiver for the property and business of the defendant, including books, accounts, records, and documents pertaining to the property or business, or as much of the property of business as the court considers reasonably necessary to prevent violations of [sections 1 through 56].

(b) The receiver, when appointed and qualified, has the powers and duties conferred by the court that may include custody, collection, administration, winding up of business and liquidation of the property and business."

**Renumber:** subsequent sections

37. Page 18, line 9 through line 12.

**Strike:** section 42 in its entirety

**Insert:** "NEW SECTION. Section 42. Cease and desist orders. If

it appears to the department that a person is engaged in or is about to engage in any act or practice constituting a violation of any provision of [sections 1 through 56] or any rule adopted or order issued by the department pursuant to [sections 1 through 56], the department may issue an order directing the person to cease and desist from continuing the act or practice after reasonable notice and opportunity for hearing. The department may issue a temporary order pending the hearing that:

(a) remains in effect until 10 days after the hearings examiner issues proposed findings of fact and conclusions of law; or

(b) becomes final if the person to whom notice is addressed does not request a hearing within 10 days after receipt of the notice.

(2) A violation of an order issued pursuant to this section is subject to the penalty provisions of [sections 1 through 56]."  
**Renumber:** subsequent sections

38. Page 18, line 14 through line 22.

**Strike:** section 43 in its entirety

**Insert:** "NEW SECTION. Section 43. Penalties -- license suspension and revocation -- restitution. (1) If, after providing a 10-day written notice that includes a statement of alleged violations and a notice of an opportunity for a hearing as provided in Title 2, chapter 4, the department finds that any licensee or unlicensed person or any officer, director, partner, trustee, employee, or representative of the licensee or unlicensed person has violated any of the provisions of [sections 1 through 56], has failed to comply with the rules or orders adopted by the department, has failed or refused to make required reports to the department, has furnished false information to the department, or has operated without a license, the department may:

(a) impose a civil penalty not to exceed \$1,000 for each violation or, in the case of a continuing violation, \$1,000 a day;

(b) issue an order revoking or suspending the right of the licensee or person, directly or through an officer, director, partner, trustee, employee, or representative, to do business in this state as a licensee or to engage in the business of a BIDCO; or

(c) issue an order requiring restitution to borrowers and reimbursement of the department's cost in bringing the administrative action.

(2) All notices, hearing schedules, and orders must be mailed to the licensee or person by certified mail to the address for which the license was issued or, in the case of an unlicensed business, to the last-known address of record.

(3) A revocation, suspension, or surrender of a license does not relieve the licensee from civil or criminal liability for acts committed prior to the revocation, suspension, or

surrender of the license.

(4) (a) The department may reinstate any suspended or revoked license if there is not a fact or condition existing at the time of reinstatement that would have justified the department refusing to originally issue the license.

(b) If a license has been revoked for cause, an application may not be made for issuance of a new license or the reinstatement of a revoked license for a period of 6 months from the date of revocation.

(5) All civil penalties collected under this section must be deposited in the general fund."

**Renumber:** subsequent sections

39. Page 18, line 24 through line 30.

**Strike:** section 44 in its entirety

**Renumber:** subsequent sections

40. Page 19, line 5.

**Following:** "and"

**Insert:** "an opportunity for"

41. Page 19, line 6.

**Strike:** "61"

**Insert:** "56"

42. Page 20, line 18.

**Strike:** "61"

**Insert:** "56"

43. Page 20, line 19.

**Strike:** "45"

**Insert:** "44"

44. Page 20, line 22.

**Following:** "section"

**Strike:** "42" through "46"

**Insert:** "44(3) or 45"

45. Page 20, line 24 through line 25.

**Strike:** subsection (2) in its entirety

**Renumber:** subsequent subsections

46. Page 20, line 30.

**Strike:** "61"

**Insert:** "56"

47. Page 21, line 1 through line 2.

**Following:** "section"

**Strike:** "42" on line 1 through "46" on line 2

**Insert:** "44(3) or 45"

48. Page 21, line 23.

**Following:** "and"

**Insert:** "an opportunity for"

49. Page 21, line 25.

**Strike:** "61"

**Insert:** "56"

50. Page 22, line 20.

**Strike:** "61"

**Insert:** "56"

51. Page 22, line 23.

**Strike:** "50"

**Insert:** "49"

52. Page 22, line 26 through line 27.

**Following:** "conservator" on line 26

**Strike:** "one of" on line 26 through "another" on line 27

**Insert:** "a"

53. Page 22, line 28.

**Strike:** "division" through "institutions"

**Insert:** "department"

54. Page 22, line 29 through line 30.

**Strike:** "division"

**Insert:** "department"

**Strike:** "Upon" on line 29 through the first "the" on line 30

**Insert:** "The"

**Strike:** "division" on line 30

**Insert:** "department"

55. Page 23, line 1.

**Strike:** "division" through "institutions"

**Insert:** "department"

56. Page 23, line 10 through page 24, line 9.

**Strike:** sections 52 through 54 in their entirety

**Renumber:** subsequent sections

57. Page 24, line 12.  
**Strike:** "46" through "53"  
**Insert:** "45, 49, or 50"

58. Page 24, line 16.  
**Strike:** "61"  
**Insert:** "56"

59. Page 24, line 17.  
**Strike:** "61"  
**Insert:** "56"

60. Page 24, line 30.  
**Strike:** "61"  
**Insert:** "56"

61. Page 25, line 2.  
**Strike:** the first "61"  
**Insert:** "56"  
**Strike:** the second "61"  
**Insert:** "56"

62. Page 25, line 4.  
**Strike:** section 59 in its entirety  
**Renumber:** subsequent sections

63. Page 25, line 6.  
**Strike:** "61"  
**Insert:** "56"

64. Page 25, line 11.  
**Strike:** "61"  
**Insert:** "56"

65. Page 25, line 19.  
**Strike:** "61"  
**Insert:** "56"

66. Page 25, line 21.  
**Strike:** "61"  
**Insert:** "56"

67. Page 25, line 22.  
**Strike:** the first "35"  
**Insert:** "32"  
**Strike:** the second "35"  
**Insert:** "32"  
**Strike:** "61"



## SENATE STANDING COMMITTEE REPORT

February 16, 2007

Page 1 of 2

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **Senate Bill 453** (first reading copy -- white) **do pass as amended.**

Signed: \_\_\_\_\_

*Vicki Cocchiarella*  
Senator Vicki Cocchiarella, Chair

**And, that such amendments read:**

1. Page 2, line 9.

**Following:** "37-1-405."

**Insert:** "The rules may require the posting of only the licensee's name and the fact that a hearing is being held when the information is being posted on a publicly available website prior to a decision leading to a suspension or revocation of a license or other final decision of a board or the department."

2. Page 4, line 20 through line 24.

**Strike:** subsections (b) and (c) in their entirety

**Insert:** "(b) In addition to any other means of notice, the department shall post the required information on a publicly available website.

(c) This subsection (2) may not be construed to require a meeting to be open or records to be disseminated when the demands of individual privacy clearly exceed the merits of public disclosure."

3. Page 5, line 10 through line 14.

**Strike:** subsections (b) and (c) in their entirety

**Insert:** "(b) In addition to any other means of notice, the department shall post the required information on a publicly available website.

(c) This subsection (2) may not be construed to require a meeting to be open or records to be disseminated when the demands of individual privacy clearly exceed the merits of public disclosure."

**Committee Vote:**

**Yes 11, No 0**

Fiscal Note Required \_\_\_\_\_

*Kf*

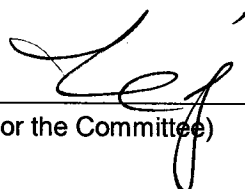
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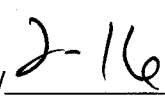
## COMMITTEE FILE COPY

### TABLED BILL

The **SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE** TABLED **SB 331**, by motion, on **Friday, February 16, 2007**.

  
\_\_\_\_\_  
(For the Committee)

  
\_\_\_\_\_  
(Secretary of the Senate)

\_\_\_\_\_,   
(Time) (Date)

February 16, 2007

Cj Johnson, Secretary

Phone: 44-4762

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
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## COMMITTEE FILE COPY

## TABLED BILL

The **SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE** TABLED **SB 429**, by motion, on **Friday, February 16, 2007**.

  
\_\_\_\_\_  
(For the Committee)

  
\_\_\_\_\_  
(Secretary of the Senate)

\_\_\_\_\_  
(Time)

  
(Date)

February 16, 2007

Cj Johnson, Secretary

Phone: 44-4762

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MONTANA STATE SENATE  
2007 LEGISLATURE

BUSINESS, LABOR AND ECONOMIC AFFAIRS

ROLL CALL VOTE

DATE 2-16-07 BILL NO. \_\_\_\_\_ NUMBER 11-Ø

MOTION: To DRAFT Committee Bill

NAME	AYE	NO
SEN. JOE BALLYEAT (R)	✓	
SEN. ROY BROWN (R)	✓	
SEN. JOHN ESP (R)	✓	
SEN. VERDELL JACKSON (R)	✓	
SEN. LANE LARSON (D)	✓	
SEN. DON RYAN (D)	✓	
SEN. FRANK SMITH (D)	✓	
SEN. CAROLYN SQUIRES (D)	✓	
SEN. DONALD STEINBEISSER (R)	✓	
SEN. JOE TROPILA (D)	✓	
SEN. VICKI COCCHIARELLA (D) - CHAIRWOMAN	✓	

SB 453 - Y to reconsider, Y to amend, Y to bill as amendments

## SENATE PROXY FORM

According to Senate Rule 30-70 (13) (f), a committee member may vote by proxy using a standard form.

### PROXY VOTE

I, the undersigned, hereby authorize Senator Verdell Jackson  
to vote my proxy on any issue before the Senate Business & Labor

\_\_\_\_\_ Committee  
held on 2/16/07, 2007.

SB-369-Voted Yes

SB-444

SB-412

SB-440

} voted yes

Amendment

SB 03102 & SB 0310201 - voted yes

SB-321-voted Y

committee bill  
on absolute gambling  
equipment. YES

Don Steinheiser

SENATOR

STATE OF MONTANA

SB 331 - voted Yes To Table SB 429 - Tabled - voted yes

## SENATE PROXY FORM

According to Senate Rule 30-70 ( 13) ( f ) , a committee member may vote by proxy using a standard form.

### PROXY VOTE

I, the undersigned, hereby authorize Senator

LANE LARSON

to vote my proxy on any issue before the Senate

\_\_\_\_\_  
Committee

held on

FEB 16 07

, 2007.

Don Ryan

SENATOR  
STATE OF MONTANA

**MONTANA STATE SENATE  
2007 LEGISLATURE**

**VISITOR REGISTER**

**BUSINESS AND LABOR**

DATE 2-16-07

BILLS BEING HEARD TODAY SB 442; 440, 444

**PLEASE PRINT**

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Linda Henderson	721-6882	myself	SB 444	✓	
Bruce Poland	727-4901	myself	SB 444	✓	
Diana Ferriter	444-1574	Dept Labor & Ind	SB 444	INFO	
Patrick E. Galvas	453-8346	myself	SB 444	✓	
Deanna Babb	452-3935	myself/APRN's/r	SB 444	✓	
Mervin Gundersen	388-1524	American Legion	SB 440	✓	
Fred Frisvold	442-2974	AMERICAN LEGION	SB 440	✓	
GARY White	324-3587	American Legion	SB 440	✓	
Jim Jacobsen	449-7133	American Legion	SB 440	✓	
Gary Amosby	443-3370	Richland County Economic Development	SB 440		
Don Judge	459-1708	MT AUGUS ASSN	SB 444	X	
MATT Corn	444-5982	MT STATE FUND	SB 444	X	
George Wood	406-549-8849	MT. Self-Insured Auto	SB 444	X	
Riley Johnson	443-3797	NFIB	SB 444	X	
John Barrows	443-2850	MT Newspaper Assn	SB 444	X	
Bob Northington	443-0907	MTAIA	SB 444	X	
Ignat Childress	444-2648	DLI	SB 440	Info	
Lisa Smith	444-1609	SWIB-DLI	SB 440	info	

**PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY**

5 B444

Dear Senator;

My name is Robin Boland, I am a Family Nurse Practitioner who was formerly employed in an independent medical practice at Great Falls, Mt. which was comprised 95% of Worker Compensation patients. I worked at this practice four and one-half years before the physician I worked with made the decision to close the practice. Through this experience I know first hand the difficulty injured workers have in finding a provider. They have greater difficulty choosing a provider of their choice. When my employer began the process of notifying patients the practice was closing, many of the patients asked what my plans were, given their choice they would have chosen me as their provider. Because of the existing law I could not see these patients independently, only in consultation with a physician. I attempted, in vain to find another independent practice in Great Falls which would open their doors to me and these patients. I was told time and time again that first, they couldn't keep their own physicians busy, so no, they wouldn't bring a Nurse Practitioner into their practice (even with a patient following) , and secondly they did not want work injured patients in their practice, as the Worker Compensation System was difficult at best to navigate, and injured workers were difficult to deal with. After months of trying to find a physician I could consult with, I gave up the search for a new practice site for me to continue with my patients. The longer I looked for a practice site, the longer my patients held on to the hope I could continue as their provider, the longer they went without care. It took most of these patients' months to find a provider that would agree to treat their work injury, and occasionally I encounter one of these former patients who still haven't found a provider to treat their work injuries. During this time I cannot count the phone calls from or personal encounters with one of these former patients desperate to know if I had found a practice site, so I could continue as their provider.

Not only do injured workers face restricted access to healthcare providers, other barriers to accessing healthcare also exist. These barriers include, but are not limited to: distance in traveling to a provider that accepts injured workers, especially true for rural patients; financial loss, reflected in time off from work to travel to the provider, as well as travel costs (gas, meals, overnight stays); and, loss of independence, relying on others for transportation and/or care during travel. I believe the solution to the problem of restricted care for injured workers is ending the restrictions regulating Nurse Practitioners care of the injured worker. This would provide the injured worker greater access to a provider, perhaps even one of their choosing, perhaps closer to their home, with less cost to the patient.

Thank you for your time and attention.

Robin Boland, RN, MN, FNP-C  
626 Carol Drive  
Great Falls, Montana 59405

SB444

**SENATE BILL 444- TESTIMONY OF DEANNA L. BABB APRN FNP**

**Senate Business, Labor, and Economic Affairs**

**"AN ACT REVISING ADVANCED PRACTICE REGISTERED NURSE TREATMENT OF INJURED WORKERS; AND AMENDING SECTION 39-71-116, MCA."**

**Introduced by Senator Dave Wanzenried**

Mr. Chairman, members of the Committee, for the record, my name is Deanna Babb. I am here today on behalf of my Advanced Practice Registered Nurse colleagues and injured workers. I am a family nurse practitioner in private practice in Great Falls at Integrative Medicine Clinic. I am also the Coordinator of the Family Nurse Practitioner Program, Montana State University College of Nursing.

Great Falls has many fine health care providers, so statements delineating a lack of providers for injured workers may seem disingenuous. However, injured workers have a difficult time accessing quality, unbiased physical examinations, pain management, and health care advocacy. Many of these patients are adjusting to a serious injury, loss of income and at times the loss of employment and career. Worker compensation cases require excellent communication skills to interface with the insurer, patient, employer, physical therapy, chiropractor, mental health care providers, and specialists. A workers' compensation case can be time and labor intensive for a health care provider with marginal return in compensation.

Advanced Practice Registered Nurses (APRN) are educated and prepared to assume the case management duties in the health care system needed by injured workers. In many states, APRNs are already independently managing state worker's compensation patients. APRNs have clinically demonstrated the capacity to provide safe and responsible care to the patients they serve. They have expert knowledge and skills to diagnose and treat injured workers under the provisions of this statute. APRNs have been recognized through national studies as a cost effective source of high quality care.

SB 444 is an important step in assuring adequate health care access for injured workers. I urge a do pass on SB 444.

Deanna L. Babb APRN FNP BC

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CHICAGO, ILLINOIS 60607



SB449

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ADVANCED PRACTICE REGISTERED NURSE TREATMENT OF INJURED WORKERS; AND AMENDING SECTION 39-71-116, MCA."

Mr. Chairman, members of the Committee, for the record my name is Tami Dieruf. I am a board certified family nurse practitioner with advanced practice certification in rehabilitation nursing as well as certification in orthopedics. I have been in the field of rehabilitation nursing for 16 years.

Through my work as a nurse practitioner, I have worked with many individuals who have sustained injuries and with these individuals, have dealt with worker's compensation organizations in Montana as well as other parts of the country.

As a nurse practitioner, I evaluate and provide care for the injured worker. For the most part, this involves face to face examinations, ordering and interpreting diagnostic tests such as x-rays, prescribing medications, ordering therapeutic modalities such as physical therapy, and referring to specialists such as orthopedic or neurosurgeons. In addition, I evaluate the person's response to all treatments and revisit the plan of action as needed.

As an advanced practice nurse, there are several hurdles that I must deal with on a regular basis. First is the reluctance on the part of many physicians to deal with the workers compensation system at all. I have had patients sent away from doctors having been told "I will not work with you on your worker's compensation case, I will not fill out any worker's compensation forms or other paperwork." I have received reports from several physicians that actually state this in writing. This reluctance has resulted in an underserved population of patients.

I would also like to illustrate another scenario that I deal with. As a nurse practitioner, I have several worker's compensation patients who I see independently as they were referred to me by State Fund. This means that for these patients, I provide care, including prescribing medications. Within the current system, patients who are seen by the physician I work with are sometimes seen by me. Currently, while I can examine and treat these patients, I am not able to write prescriptions. The prescriptions must be signed by him since I am a nurse practitioner. Please understand that these medications may or may not be controlled substances and are the same medications that I am able to prescribe on my own for patients who I see independently. Confused yet? Try to imagine this through the eyes of the patient.

In summary, the current system falls short in meeting the needs of patients. Nurse practitioners are in a perfect position to bridge the gaps and ensure that patients are receiving the care needed. Numerous studies have proven that nurse practitioners provide cost effective, high quality care. Since we are independent practitioners in Montana, we should be viewed as such under the Worker's Compensation system.

Thank you.

Tami Dieruf FNP-C, CRRN-A, ONC